

To the FCC Commission,

I wanted to use this opportunity to throw my full and 100% support for the California Coalition of Agencies Serving the Deaf and Hard of Hearing's petition for declaration ruling on interoperability. I have a deeply vested interest in this as I have been profoundly deaf since birth. First, I'd like to commend by the federal government and the FCC in helping to make communication access for deaf people a lot easier over the past ten years or so, especially with the passage of the ADA and the FCC's commitment in enhancing communication access by permitting VRS to become a part of the TRS array of communication services. It makes me feel a lot better about paying my taxes too, as I know it goes towards a government that strives to make my communication access easier as a deaf person. It has absolutely and positively impacted my life and made my life easier as I was quite functionally equivalent and felt like an equal to a hearing person when it comes to communicating via telecommunications. However with the recent activities that have been going on with VRS, as a taxpayer and a deaf consumer, I felt the need to make some of my concerns about the current issues regarding VRS known, so I will be inputting some comments that I feel correlates to the CCASDHH petition as it goes along and more.

Part II of the petition, market practices in the VRS industry do not lend themselves to the provision of seamless, integrated communication services, is an area that I strongly agree with. While not attempting to repeat anything that was said in that petition, I feel the need to include other areas that may have not been covered there but it highly relates to it. I would like to bring up the LDAP issue

In a reply comments submitted by Hands On Video Relay Service that was placed in docket 03-123 on 3/4/05, they stated that Sorenson, who is the largest provider, maintained its dominant share of the market by limiting access to its LDAP server and that the D-Link users that accessed other VRS providers had to go through this same LDAP server that is maintained by this largest provider. As I understand it, unless someone corrects me, they also have a licensing agreement with D-Link to produce the D-Link i2eye that is being used by all the other VRS providers and I presume that them maintaining this LDAP is a part of this licensing agreement.

If that is the case, then it bothers me that they control the LDAP server where all the VRS calls being conducted by other VRS providers as they could theoretically alter the quality of these calls to make their own quality appear superior. I am not saying this is being done as I have no proof of that but it's just that it could theoretically be done. Additionally, the largest provider having control of this LDAP could also theoretically allow them to know where new D-Link units are being installed by other providers and they could easily send their own installers to these locations to have their own VP-100 units installed in these same locations as well. The rest of the VRS providers do not have this privilege and I find this to be quite an unfair advantage.

When the largest provider first distributed their VP-100 units to deaf consumers, they had this requirement that the consumers must use their VRS services for a minimum of 30 minutes a month. This is no longer done, but this leads me to believe that they were once able to use the LDAP to monitor each and every VP-100 unit installed to ensure they put in their 30 minutes a month. Since every D-Link i2eye unit also goes through this LDAP server that is maintained by them, this leads me to theoretically believe that they can also monitor every single i2eye unit that is used to reach other VRS providers and this gives them a significant advantage over the other VRS providers which I find to be quite unfair too.

I think it would be much fairer to everyone, both VRS providers and consumers alike, if this LDAP server was maintained by a neutral party that has no involvement with VRS. Perhaps NECA could take upon this responsibility or they can begin a bidding process for a neutral company to maintain it and the public funding covers this expense. Another option could be to allow the providers to develop their own LDAP server and make all the LDAP servers interoperable, in addition to the videophones being interoperable too.

Regarding the area of the consumer informed consent in this part II of the petition, I fully agree with what CCASDHH had to do so and I have a few comments I'd like to add. I was quite joyful when I first read the public notice issued by the FCC on January 26, 2005, more specifically, where it stated that consumers are allowed to have access to more than one VRS provider. Then I got to the point where it said that VRS providers should not be adjusting a consumer's hardware or software to restrict access to other VRS providers without the consumer's informed consent, my mood immediately shifted.

Now the informed consent is something that really bugs me, considering the fact that the majority of these consumers' primary language is ASL, not English. I have a vested interest in this, although I have a fairly good knowledge of the English language, but I have many deaf friends and peers across the nation that do not have this privilege and I feel an obligation to try to look out for them whenever I can so that they can lead the productive lives that they deserve.

Written informed consent such as contracts is done in the English language. Statisticians and educators across the nation often claim that the national average English level among deaf people across the nation is at the 4th grade level. This is not to say that they are undereducated or the like, but this is because English is not their primary language, ASL is. ASL is a completely different language of its own as it has its own grammar and syntax.

If you were to take all people whose Spanish or other language being their primary language, you will likely find that their English level is probably just as low, if not lower, and they would not have the full comprehension of informed consent when it comes to a lengthy contract in the English language that has to be read and signed by them. This is why informed consent concerns me, as I feel that the wide majority of VRS users that have to acknowledge informed consent by signing a contract would not have a full understanding of the document that they are signing.

Out of all current providers, the largest provider is the only provider that requires an exclusivity contract from its consumers so I took the liberty of going into their website to review their license agreement. I was horrified to read it, solely due to the fact that many deaf consumers will not completely understand this seven page contract because English is not their primary language and this contract uses a lot of legal jargon.

But an even bigger concern of mine is the fact that these consumers are likely not going to read this contract in its entirety only because they want a free VRS device, because it enables them to use their primary language, ASL. It would not surprise me to see if some consumers signed this contract without fully reading it and having a full understanding of it only because they want a device that allows them to communicate in their primary language, ASL, and it is a product that makes their lives so much easier and more convenient.

Just wave a free videophone in front of them and most of them will immediately say, "Where do I sign?" without even reading the contract. Keep in mind that other VRS providers also provide free videophones too, but they do not require exclusivity contracts as far as I

understand it. If I had it my way, I would do away with exclusivity contracts of any type when it comes to communication access that involves public funding.

Additionally, the FCC says that the consumer is allowed to have more than one VRS provider, but the catch-22 here is that it appears to me that the largest provider can also threaten to sue other providers that try to install their own products to allow the consumer to have additional options to VRS providers. This has been shown on a reply to opposition to petition for reconsideration submitted by Hands On Video Relay Service that was placed in CC Docket 98-67 on 11/30/04 where they stated that a lawyer for Sorenson corresponded with a lawyer for Hands On threatening legal action because Sorenson perceived that efforts by Hands On was interfering with VP-100 users in which they had an exclusive relationship.

If that is the case, FCC allowing the VRS consumer to have access to more than one provider, but allowing informed consent becomes a moot point if the largest provider continues threats to sue other providers that do what they perceive as interfering with VP-100 users!

The largest provider is the only provider that does not provide devices that allow for access to all providers and they're the only provider that requires exclusivity contracts. If the FCC were to allow for total interoperability, then providers would not have to worry about potential lawsuits and strive to provide consumers with full access to all providers, thus allowing these consumers to make their own choices when it comes to choosing a provider, because there would be no need for exclusivity agreements.

Relating to Part III(b) of the petition, strong precedent exists for an FCC-imposed condition of interoperability, again is an area that has my full agreement and I would like to add more to this. Especially to the point that was brought up regarding the largest provider creating its own universe by failing to make its video appliances interoperable with other video products in the market.

This largest provider is the one that designed both the VP-100 and the D-Link i2eye devices and I do applaud them for coming up with a wonderful device that allows deaf consumers to use their primary language, ASL. But what I find to be quite appalling is the fact that they refuse to allow two devices that they designed to be interoperable with each other and demand exclusivity. Some consumers seem prefer the VP-100 in my opinion, only for 2 reasons.

1. The fact that it uses "phone numbers" instead of IP addresses. IP addresses continuously change and it's harder to maintain an address book full of IP addresses that continuously change. Other providers would like to design their own firmware to allow for "phone numbers" as well as other features, but cannot do so which brings me to my second reason.
2. The VP-100 also has additional features that the D-Link i2eye does not have. The reason for this is because the largest provider has designed their own firmware and it is my understanding, unless someone proves me wrong, that D-Link will not allow the other providers to design their own firmware and it's my belief that this may be a result of the licensing agreement between the largest provider and D-Link. If the other providers were allowed to invest in designing their own firmware, I think that they would do so in a heartbeat. This would also make for a more competitive environment where the VRS consumer is allowed to make their choices among providers based on their preferences, but that isn't being done.

It also appears to me that they cannot say that have superior interpreters because all other providers utilize certified interpreters too. I don't think there is too much of a difference in video quality either as both the VP-100 and i2eye was designed by the same company. These are the reasons why I feel that some people prefer the VP-100, only because it offers features that other providers are, in my opinion, somewhat prohibited from doing the same, as they cannot develop their own firmware.

It is quite obvious to me that the largest provider engages in very unfair and unethical trade practices in gaining its dominant market share that could potentially lead to a monopoly of the VRS industry. In a comment filed by Sorenson on 10/18/04, they stated that "there are many VRS choices for consumers and they can elect the services that offers them the most compelling experience", but how can this be done when they do not allow VP-100 users the opportunity to make their choices by comparing providers and yet as I mentioned, I am under the impression that they prevent other providers from designing their own firmware on the i2eye devices via a licensing agreement with D-Link, thus unable to provide the most compelling experience that they could potentially provide?

It is my opinion that VP-100 users are saying that it's better because they perceive it to be customized and are misled to believe that other providers are unwilling to design their own firmware when that is not even the case at all. It's the fact that there are unfortunately only two videophones that are of sufficient quality to meet the requirements of an effective VRS service, as far as I understand it, and they are both designed by the largest provider so all the other provider's hands are tied when it comes to firmware, as I see it. If given the chance to design their own firmware, it is my belief that most, if not all the rest, of the providers would do so. It is my belief that this is another unfair way that largest provider has obtained the dominant market share, by ensuring that the other providers are unable to design firmware for either the VP-100 or i2eye.

I think that CCASDHH hit the nail dead center in the head in Part III(c) in its petition when they stated that requiring VRS interoperability is in the public's best interest. Now I do not claim to be an engineer, nor do I claim to be a technical expert, but I find it very hard to believe that it would cause an unreasonable burden to make both of these videophones interoperable, considering the fact that they were both developed by the same company, the largest provider. The reason I believe that is because there are many other communication devices that hearing people use, such as cellular phones to name an example, that have their own firmware that appeal to their consumers, and yet, they are all interoperable with each other.

Myself, as a deaf individual, I do not have that privilege when it comes to videophones and I feel that my functional equivalency has been taken away. I will not feel functionally equivalent until I have the interoperable opportunity in the videophones and have the ease of being able to contact the provider of my choice and implementing point to point conversation using any videophone with such convenience.

This is probably the very best time possible for the FCC to issue interoperability standards among videophones before more videophone manufacturers get into the market, as it is still a relatively new market. New videophones that may be developed would also be interoperable with both the VP-100 and i2eye. Putting off the interoperable issue to a later point can cause a significant headache and become a waste of taxpayer dollars in the future in my opinion, especially when and if it comes to a point where there are numerous videophone manufacturers out there on the market and none of them are interoperable.

A great example would be the AOL instant messenger example that the CCASDHH used, as it had resulted in lawsuits, legal actions and massive headaches for many people, as they were not interoperable and they're now interoperable as a result of these expensive legal actions. It also led to instant messenger providers having to invest more money into making them interoperable. I implore the FCC to save American consumers and businesses a lot of time and money in the long run by issuing interoperability standards immediately before videophones become more popular across the country which will bring in new videophone products.

With the costs of high speed connections becoming cheaper and skyrocketing in popularity, it is only a matter of time before practically every household across America will have a videophone so there is no better time than now to set the interoperability standards now before it gets too late so that new players that may decide to enter the videophone manufacturing industry will also have to comply with the interoperability requirements to ensure that each and every videophone across America will work with each other conveniently. This will save a lot of money and time down the road for everyone. The FCC has a ripe opportunity to take preventative measures against what could potentially become a legal and technical mess and I strongly encourage that they take advantage of the opportunity by issuing interoperability requirements immediately. That alone, is indeed in the public's best interests, not just for deaf people, but also for hearing people too.

I have not researched into this particular area, but I presume that the FCC has mandated that all cellular phones be interoperable so all cellular telephone manufacturers are in compliance. If the FCC were to mandate interoperability right now, it will lead to new videophone manufacturers in the future ensure that their videophones are interoperable with the other videophones on the market and save them millions of dollars down the road if they are later ordered to make their devices interoperable if they weren't already so. Millions more would also be saved in legal actions down the road too and this cannot be emphasized enough.

Videophones will grow to become very popular, not only in the deaf communities, but in the hearing communities too. I implore you to make these videophones interoperable and save a lot of us trouble and hassles in the future. The FCC needs to look into the future and prevent another "instant messenger" legal mess down the road by mandating interoperability on all videophones immediately as it seems that other companies are already dabbling in the videophone market, although their products still need more work and fine-tuning to meet the quality standards required for VRS and more about to enter this industry for the first time. Interoperability standards need to be issued before they get into this too deep and eventually forcing them to make expensive changes if interoperability gets issued at a later point in time.

At the website of the largest provider, via a video with a signing commentator, in which one part I understood him as saying that, they felt that other providers did not have the motivation to add new features of their own. This sickened me because the truth as I see it is that other providers are unable to do so as D-Link will not allow for them to develop their own firmware and I presume that this is probably due to their licensing agreement with the largest provider.

Unfortunately at the moment, the VP-100 and the D-Link i2eye are the only two videophones on the current market that have the capability of offering higher quality video. Perhaps this could change in the future when more manufacturers develop their own videophones, but who is to say that the next provider won't ask for exclusivity within that new manufacturer will do so and this will happen all over again. The largest provider also has the financial

clout to obtain exclusivity and add this to their array of products to ensure that other providers do not get this in order to maintain their market dominance.

Especially because VRS is funded by public funding, this needs to be about not who has the most financial clout to secure exclusivity agreements with videophone manufacturer, but about providing consumers and providers with choices by allowing for interoperability and allowing the providers the opportunity of being able to invest in firmware of their own if they choose to do so.

The largest provider also claimed in their website, through a video with a signing commenter, that interoperability will cause the reduction of new innovative features and I strongly disagree with that. In fact I think it is quite the opposite and will lead to more innovative features if the other providers had the opportunity to develop their own firmware. It would allow for more features as the providers will all be fairly competing for the consumer choices. Interoperability between the VP-100 and the D-Link i2eye, which are basically the only 2 videophones used in VRS these days, may also be the easiest videophones to become interoperable as they were both designed by the largest provider.

Parts IV to VII in the petition covered areas of the FCC's authority and violations of certain laws and acts, and I would like to add more to this. I am not a lawyer nor do I claim to try to be one, but I have formed my own opinion based on my own research that I believe the largest provider is in violation of several federal laws and acts. If my opinions are wrong, I welcome feedback.

The first area that comes to mind relates to anti-trust and anti-competitive practices and I will begin with the Sherman Anti-Trust Act of 1890. A long time ago, the Supreme Court decided that Section 1 of the Sherman Act prohibits only those contracts or agreements that restrain trade unreasonably. The fact that the largest provider uses exclusive agreements and threatens to sue other providers that try to show their products to users bound by this exclusive agreement, as per the HOVRS comment mentioned earlier, it practically restrains what the FCC is trying to accomplish by offering the consumer choices of providers. I also have the opinion that they seem to prevent other providers being able to install their own firmware into the only videophones that are "qualified" to use for VRS purposes, as per their licensing agreement with D-Link. To me, all this is a form of using contracts or agreements that restrain trade unreasonably.

Section 2 of the Sherman Act makes it unlawful for a company to "monopolize, or attempt to monopolize trade or commerce. It quite appears to me that the largest provider is attempting to monopolize the VRS market by throwing in millions of dollars that other providers do not have access to; keeping their product exclusive; controlling the LDAP that both VP-100 and i2eye devices use; and possibly preventing other providers from designing their own firmware through their agreement with D-Link. If that is not a clear attempt to monopolize, then what is it? It's my opinion that the authors of the Sherman Act would be rolling in their graves if they knew about this.

The largest provider is a part of a significantly larger privately owned conglomerate, whose family patriarch is ranked #51 in the Forbes 400 richest people with an astounding value of 3.7 billion dollars in 2004, a full 1 billion dollar increase in just one year when he was valued at \$2.7 billion in 2003. If you go to this conglomerate's website and look in the "giving back" link when it comes to the deaf, it states that through the largest provider, the family patriarch has donated over \$5 million in videophones and videophone booth equipment. It seems to me that this "donation" comes with strings attached, that they only use their own

VRS which in turns brings back significantly more gross revenues in the longer run. Then again, if it is a donation, then why does it come with an exclusivity contract?

Let's assume that the VP-100 costs them \$150 per unit, although it may be significantly lower due to their licensing agreement with D-Link. For 5 million dollars, this equates to over 33,000 VP-100 units which is probably around more than 3 times the combined amount of i2eye units installed by the rest of the providers put together and this by itself practically immediately catapults them into the dominant market share. Throw in exclusivity contracts; being the only provider that offers added features via firmware as other providers are prevented from doing so; and being the one that controls the LDAP that requires every single videophone that is used to access all providers to go through; it's a surefire way to obtain monopoly status the way I see it.

Then there is the Federal Trade Commission Act of 1914, which outlaws "unfair methods of competition" so it appears to me that the largest provider is also in violation of this based on the tactics listed above. In the United States Code, Title 15 – Commerce and Trade, chapter one focuses on monopolies and combinations in restraints of trade, Section 2 had made monopolizing a trade a felony, in which corporations face fines as high as \$10 million dollars if found guilty.

In Title 47, the telegraphs, telephones, and radiotelegraphs section of the United State Code, more specifically, in Chapter 5 – wire or radio communications, Subchapter II – Common Carriers, Part I – common carrier regulations, section 225 is fully devoted to telecommunication services for hearing impaired and speech impaired individuals. This is a result of Title IV of the Americans with Disabilities Act.

To quote from Part 3 of this section 225, "The term "telecommunications relay services" means telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device." The VP-100 and i2eye videophone is a form of a nonvoice terminal devices. And to top this off, there is no functionally equivalency here either when it comes to this videophone. Where is the functional equivalency in this when it comes to using the largest provider's videophones that cannot access any provider?

To quote section 225, part 3(b)(1)," In order to carry out the purposes established under section [151](#) of this title, to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.

The FCC was created under section 151; it is the FCC's responsibility to ensure that all relay services are available to the extent possible and in the most efficient manner. Apparently that isn't the case here otherwise they would not be allowing the largest provider to employ its current practices and I implore the FCC to prohibit them from continuing to do so and the best way to make VRS available to the extent possible and in the most efficient manner would be to allow for interoperability that allows for any VRS device to be able to access any provider by giving both the consumer and the provider equal opportunities to do so.

In the same section, (d)(1)(e) “prohibit relay operators from failing to fulfill the obligations of common carriers by refusing calls or limiting the length of calls that use telecommunications relay services;” It is my opinion that the largest provider is violating this by refusing calls as they are not allowing VP-100 users to call other providers.

In Section 255 of this same Title 47, Chapter 5, Subchapter II, Part II of the United States Code, it covers areas of access by persons with disabilities and this is an extremely important section that needs your full attention. Section 255(a)(2) specifically defines the term “readily achievable” as having its meaning given to it by section 12181(9) of title 42, in which I will quote next.

“(9) Readily achievable. The term “readily achievable” means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include— (A) the nature and cost of the action needed under this chapter; (B) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility; (C) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and (D) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.”

Before I elaborate on the importance of “readily achievable”, let’s review the rest of Section 255 – access by persons with disabilities. To quote Section 255(b), 255(c), and 255(d) “(b) Manufacturing - A manufacturer of telecommunications equipment or customer premises equipment shall ensure that the equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable. (c) Telecommunications services - A provider of telecommunications service shall ensure that the service is accessible to and usable by individuals with disabilities, if readily achievable. (d) Compatibility - Whenever the requirements of subsections (b) and (c) of this section are not readily achievable, such a manufacturer or provider shall ensure that the equipment or service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, if readily achievable.”

It is my own opinion that the largest provider is blatantly disregarding these federal rules set forth in Section 255. Interoperability between the VP-100 and i2eye is indeed readily achievable, as they designed both devices themselves, but they just choose not to do so for the sole purpose of attempting to gain a dominant market share and possibly a monopoly in a niche industry that relies on public funding. They are making no attempts to make both devices compatible, actually, if I recall correctly, there was a time when they were once compatible and they made changes to ensure that it would no longer be compatible in order to help them gain an unfair advantage in retaining a bigger share of the market quickly. I also understand that there was a time when VP-100 units were once able to access other providers and that was blocked as soon as they found out that VP-100 users were using other providers.

In Title 47 of the United States Code, Telecommunications, Chapter 1 – Federal Communications Commission, Part 64 – Miscellaneous Rules Relating to Common Carriers, Section 64.601 – “Definitions – (14) Telecommunications relay services (TRS). Telephone

transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to-speech services, video relay services and non- English relay services. TRS supersedes the terms "dual party relay system," "message relay services," and "TDD Relay."

Again VRS users are not functionally equivalent and I implore the FCC to enforce the federal laws and to make these people functionally equivalent once again by mandating interoperability among all VRS devices now and in the future so that it applies to new technologies that may arise in the near future, such as 3G technologies. I implore the FCC to allow both consumers and providers equal opportunities. It seems to me that the largest provider repeatedly violates numerous federal laws and it's the responsibility of the FCC to prevent them from continuously doing so that all providers have the fair opportunity of allowing the consumers to select the providers of their choice.

I have additional comments in areas that were not addressed in the CCASDHH petition that I feel should also be addressed here. The largest provider has only been in the interpreting business for around two years and they claim to be leaders in the ASL interpreting industry where other providers have been in the interpreting business much longer, one provider being in for as long as nearly 30 years. They are also the newest providers in the TRS industry. In my own opinion, there is another main reason why they got so far so quickly.....financial clout and lots of it. This is not to say that it was illegal as I don't know for sure if it is, but in my opinion, how they went about it is something I felt was unethical and unfair.

In a Sorenson opposition to petition for reconsideration that was added to docket 03-123 on 11/15/04, they claimed that they were the provider in the best position to assess the availability of qualified interpreters because they had the dominant share of the market. Yet, in a Hands On reply opposition to petition for reconsideration in the same docket on 11/30/04, they pointed out that Sorenson opened call centers in cities that already had existing call centers provided by other providers in Austin, Texas; Minneapolis, MN; San Francisco Bay area and they announced that they will open one in another city where the opening of a call center was already being processed, San Diego.

It is my own opinion that this is also where their financial clout also came into the picture; they simply opened up call centers in cities that already had them and lured away a lot of their interpreters by offering higher pay. If they were the provider in the best position to assess the availability of qualified interpreter as they claim to be, why couldn't they open call centers in cities that did not have an existing VRS call center instead of resorting to luring away interpreters from other providers? This is to me, another form of unfair trade practices, especially when there are plenty of other cities that have an interpreter pool sufficient enough to open a VRS call center.

In doing these in addition to their tactics mentioned previously, it was quite easy for the largest provider to gain dominant market share in a very short period of time. If it was the consumer that was paying for the service out of their own pocket, I would have absolutely no problem with these tactics whatsoever. But this involves public funding so I have a significant problem with this.

This is not the same thing as where a hearing consumer may sign an exclusive contract with a cellular phone carrier in exchange for a free cellular phone. These consumers usually sign up for a period of time and have to oblige by minimal requirements, but the biggest difference here is that the consumer makes a monthly payment out of their own pocket and no public funding is involved whatsoever. Now if this was done with the VP-100 where consumers made monthly payments out their own pockets and no public funding was involved, then I would have absolutely no qualms whatsoever about it.

I also presume that the largest provider probably gets some additional form of revenue from each sale of the i2eye unit as per their licensing agreement with D-Link. They do not sell any of their VP-100 units and it is my opinion that is probably because they know they can make so much more money from public funding by keeping it exclusive and knowing the fact that all other providers would not be able to input any of their own firmware into the i2eye, which is unfortunately the only other videophone of sufficient quality on the current market. If they sold VP-100s on the market, I personally don't think too many people would buy them because of its exclusivity, so they give them out free instead, along with exclusivity contracts.

If the FCC and/or the federal government is going to allow those that have the biggest financial clout to monopolize an industry by putting in the most cash and making it exclusive all on their own and the industry is funded by public funding, then it is my opinion that there is something very wrong with this country. I urge you to correct this wrong immediately.

Another vital area that the FCC needs to pay the utmost attention to, is the input given by the VRS consumers. They should be the most important people for the FCC to listen to as they are the consumers that use VRS. That being the case, I took the liberty of looking into every single comment filed in Docket 98-67 since March 1, 2005. As of about mid-afternoon, April 13, 2005, I counted a total of 1104 comments sent in by mostly consumers in this duration. I conducted a poll of my own by going through each of these comments and placing them in categories and this is what I came up with. Some people may dispute these numbers, but I did not count those comments where it was not specifically said that they were for or against interoperability; or did not want or wanted equal access; or did not want or wanted to be able to use the same numbers as IP addresses were inconvenient for them. I also did not factor in unrelated comments as well. Using this, this is what I counted.

For interoperability/want equal access/want same number -	568 comments
Against interoperability/don't want equal access/don't want same number -	28 comments

That combines for a total of 596 comments, nearly half of the total comments submitted in this duration. This also makes for a good number to average out a nationwide poll on as most polls would count a predetermined number of people and then say that it is the national average. These consumers that have sent comments are from all over the United States.

This shows that an astounding 95.3% of these consumers want interoperability among their VRS devices. The FCC, being the governing body that regulates VRS, should pay close attention to these consumers and realize that this is not even remotely a close vote among the VRS consumers. Not even the word landslide would be appropriate here, as that would still be a gross understatement.

I strongly encourage you to see the result for yourself by reading all these comments and you will find that many of these people that support interoperability are also VP-100 users that are bound by the largest provider's exclusivity agreements. In fact, I would think that the majority of them are VP-100 users as D-Links i2eye users can pretty much access any

provider of their choice, and but they have encountered problems accessing point to point conversations with VP-100 users because they are not interoperable.

It is extremely obvious to me here, these deaf consumers across this wonderful nation have a strong desire to see interoperability among VRS devices and upon seeing that 95.3%, I feel that I can safely say that I can represent the majority of them in saying that interoperability among VRS devices will be the best thing to happen to these consumers for a long time to come.

Please make our country's forefathers proud, and please don't let people that have died fighting for our freedom and democracy who sacrificed themselves for their country in vain by listening to these consumers. They believed that American citizens should speak out and go with the majority vote as a democracy. Listen to the VRS consumers, as they have made their comments known, and help make the wide majority of them remain confident in the fact that the FCC does indeed look out for their best interests by mandating interoperability among all VRS devices; prohibiting unfair trade practices; banning exclusivity agreements between providers and videophone manufacturers by allowing them to design their own firmware if they desire to do so; banning exclusivity agreements between providers and the consumer, and putting an ASA incremental plan in place.

In conclusion, I admit to taking a lengthy amount of time in researching and writing this because I am a deaf consumer that is a firm believer in equal access. I am a firm believer in fair trade practices. I am in full support of open competition providing that it is done fairly. I am a firm believer in consumers being able to select the provider of their choice, but in order for them to make a fair decision; they also need to be able to access any provider and these providers also need to have equal opportunity to be able to design their own firmware if they desire to do so they are given the equal chance to win over these consumers. This would result in the best possible VRS services and provide these consumers with the maximum functional equivalency possible. I thank you for your time and attention to my comments here.